

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DIRECTTV, INC.,	:	NO. 1:03-CV-00364
	:	
Plaintiff,	:	
	:	
v.	:	OPINION AND ORDER
	:	
MIKE STEPHENS, et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on the Magistrate Judge's January 19, 2006 Report and Recommendation (doc. 68), to which Defendants filed no objections.

Plaintiff DIRECTTV, Inc., ("DIRECTTV"), filed this action against eleven Defendants, including Paul Hannah and Mike Stephens, alleging that Defendants purchased, possessed, and used devices to surreptitiously intercept Plaintiff's digital satellite television programming, in violation of the Federal Communications Act of 1934, as amended ("FCA"), 47 U.S.C. § 605, and the Electronic Communications Privacy Act ("ECPA"), 18 U.S.C. §§ 2510-2521. On May 6, 2005, Plaintiff moved for summary judgment against Defendant Hannah, for the use of one such device, and against Defendant Stevens, for the use of two such devices (docs. 65 & 66). On August 3, 2005, after Defendants failed to respond to Plaintiff's Motion for Summary Judgment, the Magistrate Judge ordered Defendants to show cause as to why judgment should not be entered against them (doc. 67). Neither Defendant responded to such Order.

On January 19, 2006, the Magistrate Judge issued his Report and Recommendation that Plaintiff's Unopposed Motions for Summary Judgment be granted and judgment be entered in favor of Plaintiff and against Defendants Paul Hannah and Mike Stephens (doc. 68). In his Report and Recommendation, the Magistrate Judge noted that when a summary judgment motion goes unopposed, the court may properly rely on facts provided by the moving party (Id. citing Guarino v. Brookfield Twp. Trs., 980 F.2d 399, 404-05 (6th Cir. 1992)). The Magistrate Judge then proceeded to discuss the facts provided by Plaintiff, which show that Defendants purchased and used illegal signal interception devices specifically designed to gain access to Plaintiff's programming (Id.). The Magistrate Judge found that such conduct constitutes a violation of 47 U.S.C. § 605(a), and 18 U.S.C. § 2511(1)(a) (Id.). As Defendants failed to provide any evidence or argument creating a genuine issue of material fact for trial, the Magistrate Judge concluded Plaintiff is entitled to judgment as a matter of law with respect to its claims against Hannah and Stevens (Id.). The Magistrate Judge further found Plaintiff entitled to injunctive relief, statutory damages in the amount of \$10,000.00 per violation, costs, and attorney fees under both the FCA and the ECPA (Id.).

Having reviewed this matter de novo, pursuant to Title 28 U.S.C. § 636, the Court finds the Magistrate Judge's Report and Recommendation to be thorough, well-reasoned, and correct. The

Court further notes that Defendants filed no objections to the Magistrate Judge's Report and Recommendation. Accordingly, the Court hereby ADOPTS the Magistrate Judge's report (doc. 68), AFFIRMS the Magistrate Judge's recommended decision (Id.), GRANTS Plaintiff DIRECTTV's unopposed motion for summary judgment against Paul Hannah (doc. 65), AND GRANTS DIRECTTV'S unopposed motion for summary judgment against Mike Stephens (doc. 66). The Court further AWARDS JUDGMENT in favor of DIRECTTV and against Paul Hannah in the amount of \$10,000.00 (statutory damages for one violation), plus attorneys fees and costs; and AWARDS JUDGMENT in favor of DIRECTTV and against Mike Stephens in the amount of \$20,000.00 (statutory damages for two violations), plus attorney fees and costs. Plaintiff shall submit a memorandum in support of its award of attorney's fees within sixty days of this Order. Defendants Paul Hannah and Mike Stephens are PERMANENTLY ENJOINED from committing or assisting in the commission of any violation of 47 U.S.C. § 605 or 18 U.S.C. § 2511.

SO ORDERED.

Dated: February 14, 2006

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge